

REMARKS

Claims 89-110 are now presented for examination, having been added in place of Claims 65-88, which have been canceled without prejudice or disclaimer of subject matter. Claims 89, 99, 108 and 109 are independent.

In the outstanding Office Action, Claims 76-85 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The present claims are each directed, respectively, to a method, an apparatus, or a computer readable medium storing a computer program. It is submitted that these are clearly within the statutory classes of patentable subject matter, and that all claims comply fully with the requirements of Section 101.

Also, Claims 71 and 82 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been carefully drafted to ensure the presence of proper antecedence for all terms used, and it is believed that all claims now pending comply fully with the requirements of Section 112..

Claims 65-88 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,640,522 (Warrin) and 6,542,163 (Gobert et al.), taken in combination. For at least the following reasons, it is believed that each of the independent claims, and the claims dependent therefrom, is clearly allowable over these patents, and the other art of record.

Independent Claim 89 is directed to a method of providing active user feedback in a graphic user interface including an adjustable soft control able to change an attribute of an object over a continuous range of attribute values. The method of Claim 89 comprises displaying a pop-up window while the soft control is being designated,

displaying a representation of the object in the pop-up window, and showing in the pop-up window a training preview which varies the attribute of the displayed representation of the object. According to Claim 89, the preview is such as to exemplify the nature of change in the attribute that can be expected to arise from adjustment of the soft control.

Among other important feature recited in Claim 89 are the following: (a) That claim is directed to *A method of providing active user feedback in a graphic user interface*; (b) the GUI includes *an adjustable soft control able to change an attribute of an object over a continuous range of attribute values*; and the method includes the three mentioned steps ((c) - (e), respectively).

Feature (c), in particular, is supported by the description which states “...preview animation can commence when the pointing device is positioned, for a short period without moving, over the particular control. This ‘training’ preview can mimic....” (page 10, lines 21 and 22).

For feature (b), namely *an adjustable soft control able to change an attribute of an object over a continuous range of attribute values* directs the Claim to controls such as “the control 602 having a slider bar 604 ” (page 11, lines 6 and 7) which can effect changes in an attribute such as size of the disk 626 (page 11, line 11) over a continuous range of disc sizes.¹ The terms *adjustable* and *continuous range of attribute values* direct the claim to situations in which a control is, for example, adjusted by a small amount in order to obtain a correspondingly small *change in the attribute*, and is adjusted by a larger amount in order to obtain a correspondingly larger *change in the attribute*.

^{1/} As always, it is to be understood that the claim scope is not limited by any of the particular details referred to by way of illustration.

The *training preview* recited in feature (f) relates to the “intended use of the control” (page 2, lines 6 and 7), as emphasized by the feature *exemplifying the nature of change in the attribute that can be expected to arise from adjustment of the soft control*. The variation of *the attribute of the displayed object* is the merely the vehicle for providing the *preview* which is directed at the *soft control*. It is the *nature of change ... expected to arise from adjustment of the soft control* that is of interest, rather than the actual change made to the *attribute of the object*.

Warrin relates to a technique of affording a user a preview of a transition effect between two specified images (see for example Figs. 2A -2J). *Warrin* states that “...demonstrations...using a sample current image and a sample next image...makes it difficult to determine how the transition effect will look when applied to a particular pair of the actual images used in a presentation. Typically, the user cannot assess the effect of assigning a particular transition effect to a particular pair of images used in a presentation without using the presentation mode of the presentation program to view the entire presentation at full size. This can be inconvenient, especially in cases where the user is experimenting with different transition effects for a particular pair of images.” (Col. 1, line 61, through col. 2, line 11.) *Warrin* is not concerned with the “intended use of the control” as is the case with the method of Claim 89, but rather with the effect of a known control on the particular given pair of images.

In *Warrin*, “[a]fter the assignment of the “Cover Left” transition effect to the pair of images comprising image 202 and image 203, the previewing program preferably automatically previews this transition effect” (col. 4, lines 16-19). In other words, having once selected the “cover left” transition effect, the *Warrin* system

consequently previews the (entire) “transition effect” as applied to the selected images. There is no disclosure or suggestion of *an adjustable soft control able to change an attribute of an object over a continuous range of attribute values*. The “cover left transition” control in *Warrin* does not lend itself to adjustment over *a continuous range of attribute values*, since a transition effect is “a graphical technique for visually depicting the transition from a source image to a target image” (col. 1, lines 49-51). A transition effect thus has defined end points being the source image and the target image, and this does not allow for *a continuous range of attribute values*.

The Office Action concedes that *Warrin* does not teach showing the transition effect in a training pop-up window, and relies on *Gorbet* for this feature.

Having regard to the pop-up window, and before addressing *Gorbet*, Applicant wishes again to emphasize that *Warrin* is concerned with the effect of a known control on the particular pair of images. This being the case, the images of interest must be selected in order to preview the transition effect of interest. As shown in *Warrin* (e.g., 201-203 in Fig. 2A) the images of interest are displayed in the display area 200, and there seems to be neither any reason for, nor any advantage to be had by, incorporating a pop-up window. The Office Action states it would be obvious to modify the interface method of *Warrin* to include the pop-up window of *Gorbet* including training information, the motivation allegedly being to display the training window in an unobtrusive manner. However, the training information in Claim 89 as amended is the *training preview which varies the attribute of the displayed object, the preview exemplifying the nature of change in said attribute that can be expected to arise from adjustment of the soft control*. In contrast, *Warrin* shows the transition preview in the main display area 200, and this begs

the question of what training information would be provided in a pop-up window according to *Gorbet*.

The *Gorbet* system uses a tip balloon 80 containing help information (Fig. 80; col. 8, lines 41-45), and employs static text based tip information, as seen at col. 2, lines 41-45, which relates that “[o]ne example of a high priority event based tip condition is the attempted selection of an object on a master slide (typically two single clicks of a mouse button by the user) when a presentation application is currently displaying another slide that includes the selected object. In this case, the present invention would immediately display a tip balloon indicating that the selected object is actually disposed on the master slide instead of the currently displayed slide” (col. 5, lines 53-63). In other words, *Gorbet* presents static text based information in tip balloons dependent upon “events” of “states” (col. 2, lines 40-45).

Gorbet makes a brief reference in the “Summary of the Invention” to “a preview, e.g., a thumbnail that illustrates the effect of changes that will be made if the user selects the automatic correction of the condition associated with tip” (col. 3, lines 61-64). The only related statement in the document appears at col. 16, lines 47-52, which simply repeats that “[a]lthough not shown, another embodiment of the present invention may include a visual display, e.g., a thumbnail display, that illustrates what changes will be made to the currently displayed slide if the automatic correction of the tip condition is selected”. An example of “automatic correction” is “splitting the currently displayed slide into two slides” (col. 9, line 8). Applicant submits that nothing found or pointed out in *Gorbet* would teach or suggest *showing in the pop-up window a training preview which varies the attribute of the displayed representation of the object, the preview exemplifying*

the nature of change in the attribute that can be expected to arise from adjustment of the soft control, as recited in Claim 89.

In conclusion, even if *Warrin* and *Gorbet* are combined in the manner proposed in the Office Action, and even assuming such combination would be a permissible one, the result would not in any way disclose or suggest mentioned feature (b), *an adjustable soft control able to change an attribute of an object over a continuous range of attribute values*, or the feature of *displaying a representation of the object in the pop-up window; . . . showing in the pop-up window a training preview which varies the attribute of the displayed representation of the object, the preview exemplifying the nature of change in the attribute that can be expected to arise from adjustment of the soft control*.

Accordingly, it is submitted that Claim 89 is patentable over *Warrin* and *Gorbet*, whether considered individually or in any permissible combination (if any exists).

The other independent claims recite the same or equivalent features to those discussed above with regard to Claim 89. Accordingly, it is submitted that those claims too are patentable over the documents discussed above, whether considered individually or in combination.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

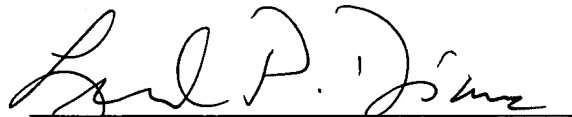
the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Leonard P. Diana", written over a horizontal line.

Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200